

IN THE UNITED STATES ARMY  
FIRST JUDICIAL CIRCUIT

UNITED STATES

v.

MANNING, Bradley E., PFC

U.S. Army, xxx-xx-(b) (6)

Headquarters and Headquarters Company, U.S.

Army Garrison, Joint Base Myer-Henderson Hall,  
Fort Myer, VA 22211

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**DEFENSE NOTICE OF PLEA,  
FORUM, AND EXPECTED  
MOTIONS**

DATED: 15 October 2012

1. In accordance with the Rules of Practice before Army Courts-Martial, PFC Manning, by and through his attorney, hereby serves notice to the Government and Court of anticipated plea, requested forum, and expected motions. By way of this plea, the Defense waives any objection under *United States v. Borunda*, 67 M.J. 607 (A.F.Ct.Crim.App. 2009) regarding whether Clause 1 and 2 of Article 134 is a lesser included offense of Specifications 2,3,5,7,9,10,11, and 15 of Charge II. The Defense also waives any objection that Article 121, UCMJ, preempts Clause 1 and 2 of Article 134 as a lesser included offense of Specifications 4,6,8,12, and 16.

**A. Plea:**

To the Specification of Charge I and to Charge I: Not Guilty.

To Specification 1 of Charge II: Guilty, except the words and figures 1 November 2009, 27 May 2010. Substituting therefore the words and figures 3 February 2010, 4 May 2010. Of the excepted words and figures, Not Guilty. Of the substituted words and figures, Guilty.

To Specification 2 of Charge II: Not Guilty of Crimes and Offenses Not Capital, Violations of Federal Law, 18 U.S. Code Section 793(e), but Guilty of Disorders and Neglects to the Prejudice of Good Order and Discipline or of a Nature to Bring Discredit Upon the Armed Forces under Clause 1 and 2 of Article 134.

To Specification 3 of Charge II: Not Guilty of Crimes and Offenses Not Capital, Violations of Federal Law, 18 U.S. Code Section 793(e), but Guilty of Disorders and Neglects to the Prejudice of Good Order and Discipline or of a Nature to Bring Discredit Upon the Armed Forces under Clause 1 and 2 of Article 134.

To Specification 4 of Charge II: Not Guilty of Crimes and Offenses Not Capital, Violations of Federal Law, 18 U.S. Code Section 641, but Guilty of Disorders and Neglects to the Prejudice of Good Order and Discipline or of a Nature to Bring Discredit Upon the Armed Forces under Clause 1 and 2 of Article 134.

To Specification 5 of Charge II: Not Guilty of Crimes and Offenses Not Capital, Violations of Federal Law, 18 U.S. Code Section 793(e), but Guilty of Disorders and Neglects to the Prejudice of Good Order and Discipline or of a Nature to Bring Discredit Upon the Armed Forces under Clause 1 and 2 of Article 134.

To Specification 6 of Charge II: Not Guilty of Crimes and Offenses Not Capital, Violations of Federal Law, 18 U.S. Code Section 641, but Guilty of Disorders and Neglects to the Prejudice of Good Order and Discipline or of a Nature to Bring Discredit Upon the Armed Forces under Clause 1 and 2 of Article 134.

To Specification 7 of Charge II: Not Guilty of Crimes and Offenses Not Capital, Violations of Federal Law, 18 U.S. Code Section 793(e), but Guilty of Disorders and Neglects to the Prejudice of Good Order and Discipline or of a Nature to Bring Discredit Upon the Armed Forces under Clause 1 and 2 of Article 134.

To Specification 8 of Charge II: Not Guilty of Crimes and Offenses Not Capital, Violations of Federal Law, 18 U.S. Code Section 641, but Guilty of Disorders and Neglects to the Prejudice of Good Order and Discipline or of a Nature to Bring Discredit Upon the Armed Forces under Clause 1 and 2 of Article 134.

To Specification 9 of Charge II: Not Guilty of Crimes and Offenses Not Capital, Violations of Federal Law, 18 U.S. Code Section 793(e), but Guilty of Disorders and Neglects to the Prejudice of Good Order and Discipline or of a Nature to Bring Discredit Upon the Armed Forces under Clause 1 and 2 of Article 134.

To Specification 10 of Charge II: Not Guilty of Crimes and Offenses Not Capital, Violations of Federal Law, 18 U.S. Code Section 793(e), but Guilty of Disorders and Neglects to the Prejudice of Good Order and Discipline or of a Nature to Bring Discredit Upon the Armed Forces.

To Specification 11 of Charge II: Not Guilty of Crimes and Offenses Not Capital, Violations of Federal Law, 18 U.S. Code Section 793(e), but Guilty of Disorders and Neglects to the Prejudice of Good Order and Discipline or of a Nature to Bring Discredit Upon the Armed Forces under Clause 1 and 2 of Article 134.

To Specification 12 of Charge II: Not Guilty of Crimes and Offenses Not Capital, Violations of Federal Law, 18 U.S. Code Section 641, but Guilty of Disorders and Neglects to the Prejudice of Good Order and Discipline or of a Nature to Bring Discredit Upon the Armed Forces under Clause 1 and 2 of Article 134.

To Specification 13 of Charge II: Not Guilty of Crimes and Offenses Not Capital, Violations of Federal Law, 18 U.S. Code Section 1030(a)(1), but Guilty of Disorders and Neglects to the Prejudice of Good Order and Discipline or of a Nature to Bring Discredit Upon the Armed Forces under Clause 1 and 2 of Article 134.

To Specification 14 of Charge II: Not Guilty of Crimes and Offenses Not Capital, Violations of Federal Law, 18 U.S. Code Section 1030(a)(1), but Guilty of Disorders and Neglects to the Prejudice of Good Order and Discipline or of a Nature to Bring Discredit Upon the Armed Forces under Clause 1 and 2 of Article 134.

To Specification 15 of Charge II: Not Guilty of Crimes and Offenses Not Capital, Violations of Federal Law, 18 U.S. Code Section 793(e), but Guilty of Disorders and Neglects to the Prejudice of Good Order and Discipline or of a Nature to Bring Discredit Upon the Armed Forces under Clause 1 and 2 of Article 134.

To Specification 16 of Charge II: Not Guilty.

To Charge II: Guilty.

To Specification 1 of Charge III: Not Guilty.

To Specification 2 of Charge III: Not Guilty.

To Specification 3 of Charge III: Not Guilty.

To Specification 4 of Charge III: Not Guilty.

To Specification 5 of Charge III: Guilty, except the word and figures 1 November 2009. Substituting therefore the word and figures 5 January 2010. Of the excepted word and figures, Not Guilty. Of the substituted word and figures, Guilty.

To Charge III: Guilty.

## **B. Forum:**

Trial by Military Judge Alone.

## **C. Expected Motions:**

Motion to Dismiss: Speedy Trial under Article 10 and R.C.M. 707;

Motion to Dismiss: Unlawful Pretrial Punishment under Article 13; and

Motion to Dismiss: Unreasonable Multiplication of Charges for Findings and Sentencing (after announcement of Findings).

2. The Defense will provide draft specifications to the Court for each of the lesser included offenses to which PFC Manning will be pleading guilty within Charge II. The lesser included offenses' draft specifications will be provided to the Court in a separate memorandum prior to the Court's acceptance of PFC Manning's pleas.

Respectfully submitted,

DAVID EDWARD COOMBS  
Civilian Defense Counsel